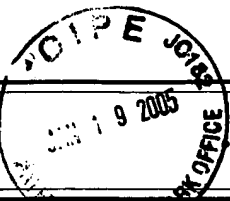
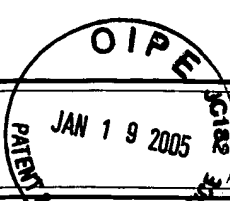


1PW 2143

	<b>TRANSMITTAL LETTER</b> (General - Patent Pending)		Docket No. 00280686AA
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In Re Application Of: T. Kimbrel, et al.

Application No. 10/000,320	Filing Date 12/4/01	Examiner A. Boutah	Customer No. 30743	Group Art Unit 2143	Confirmation No. 9757
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Title: Dynamic Resource Allocation Using Known Future Benefits

COMMISSIONER FOR PATENTS:

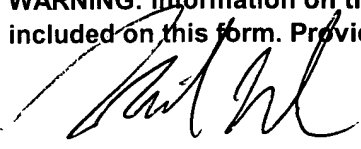
Transmitted herewith is:

**Response to Restriction Requirement  
Postcard**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0510 (IBM)** as described below.
  - ☐ Charge the amount of \_\_\_\_\_
  - ☒ Credit any overpayment.
  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



*Signature*

Dated: Jan. 19, 2005

**Michael E. Whitham**  
Reg. No. 32,635

Whitham, Curtis & Christofferson, PC  
11491 Sunset Hills Road - #340  
Reston, VA 20190  
Customer No. 30743

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)
_____ Signature of Person Mailing Correspondence
_____ Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Tracy Kimbrel

Confirmation No. 9757

Serial No. 10/000,320

Group Art Unit 2143

Filed December 4, 2001

Examiner Boutah, Alina A.

For DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE  
BENEFITS

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:


In response to the restriction requirement mailed January 13, 2005  
applicant elects the group 1 invention, including claims 1-14 with traverse.

With reference to claim 15 (group 2), the "resources" are the "servers" in  
the server farm. As such, claim 15 of group 2 is related to similar subject matter  
which would be within the ambit of some of the elected claims, and examination  
of claim 15 on the merits would not cause an undue burden on the part of the  
Examiner.

Please proceed to examination on the merits.

A provisional petition is hereby made for any extension of time necessary  
for the continued pendency during the life of this application. Please charge any  
fees for such provisional petition and any deficiencies in fees and credit any  
overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

  
Michael E. Whitham  
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